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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,242	01/19/2007	Gerhard Kottschlag	10191/4700	8869

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KENYON & KENYON LLP  
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NEW YORK, NY 10004

EXAMINER
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AKINYEMI, AJIBOLA A

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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10/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,242	KOTTSCHLAG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AJIBOLA AKINYEMI	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-21, 23-27, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilpatrick (Patent No.: US 5898402).

With respect to claim 16:

Kilpatrick disclosed an antenna amplifier (fig.3, item 50) comprising: an input for connecting to an antenna (fig.3, item 1); an output for connecting to a receiver (fig.3); an arrangement for providing signal-level matching between the input and the output (fig.3, Typical antenna system ); and a narrow-band filter ( Abstract, inherently matched filters) situated between the input and the arrangement for providing signal-level matching, wherein a pass frequency of the narrow-band filter is configured to be tuned to a receive channel of the receiver (col.3, lines 56-56).

With respect to claim 17:

Kilpatrick disclosed an antenna amplifier wherein the pass frequency of the narrow-band filter is tuned via a tuning signal that is generated by the receiver and applied to a control terminal of the antenna amplifier (fig.3 and col. 3, lines 56-col.4, lines2).

With respect to claim 18:

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Kilpatrick disclosed an antenna amplifier wherein the pass frequency of the narrow-band filter is tuned via a tuning signal that is generated by the receiver and applied to the output of the antenna amplifier (fig.3).

With respect to claim 19:

Kilpatrick disclosed an antenna amplifier as wherein the tuning signal applied to the output of the antenna amplifier is evaluated in the antenna amplifier, and wherein the tuning signal is a digital data stream (abstract).

With respect to claim 20:

Kilpatrick disclosed an antenna amplifier comprising a device for one of splitting up and filtering out signal components of a received signal at the output of the antenna amplifier (fig.3).

With respect to claim 21:

Kilpatrick disclosed an antenna amplifier wherein a supply voltage for the antenna amplifier is applied to the output of the antenna amplifier (col3, lines 29-31).

With respect to claim 23:

Kilpatrick disclosed an antenna amplifier wherein control signals are applied to one of a control terminal of the antenna amplifier and the output of the antenna amplifier (fig.3).

With respect to claim 24:

Kilpatrick disclosed an antenna amplifier comprising a return-signal generating unit for generating a return signal that is applied to one of the control terminal and the output (fig.3, item 74, 75).

With respect to claim 25:

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Kilpatrick disclosed an antenna amplifier wherein responses to the control signals occur at defined moments, wherein the responses include a switchover to previously stored tuning information (col.3, lines 45-65).

With respect to claim 26 and 29:

Kilpatrick disclosed a receiver, comprising means for generating at least one of a tuning signal (fig.3, item 67) and additional control signals for an antenna amplifier, wherein the antenna amplifier (fig.3, item 50) includes an input for connecting to an antenna; an output for connecting to a receiver (fig.3, output of item 13 to receiver)an arrangement for providing signal-level matching between the input and the output (fig.3, Typical antenna system ); and a narrow-band filter (Abstract, inherently matched filter) situated between the input and the arrangement for providing signal-level matching, wherein a pass frequency of the narrow-band filter is configured to be tuned to a receive channel of the receiver (col.3, lines 56-56).

With respect to claim 27:

Kilpatrick disclosed a receiver wherein the means for generating at least one of a tuning signal and additional control signals includes a module (fig.3, item 69) and wherein an input of the module is connected to one of a microcontroller (fig.3, item 70) and an internal tuning signal (fig.3, item 67) and wherein the tuning signal is applied to an output of the module in a form suitable for transmission to the antenna amplifier (fig.3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilpatrick (Patent No.: US 5898402) and further in view of Sakurai (Patent No.: 4531232).

With respect to claim 22:

Kilpatrick disclosed an antenna amplifier comprising a device for one of splitting up and filtering out signal components of a received signal at the output of the antenna amplifier (fig.3). Kilpatrick did not disclose storage unit for storing information. Sakurai disclosed a storage unit for storing tuning information (col.6, lines 25-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a storage unit in order to store information.

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With respect to claim 28:

Kilpatrick disclosed a receiver, comprising means for generating at least one of a tuning signal (fig.3, item 67) and additional control signals for an antenna amplifier, wherein the antenna amplifier (fig.3, item 50) includes an input for connecting to an antenna; an output for connecting to a receiver (fig.3, output of item 13 to receiver)an arrangement for providing signal-level matching between the input and the output (fig.3, Typical antenna system ); and a narrow-band filter (Abstract, inherently matched filter) situated between the input and the arrangement for providing signal-level matching, wherein a pass frequency of the narrow-band filter is configured to be tuned to a receive channel of the receiver (col.3, lines 56-56). Kilpatrick did not disclose a detector for detecting and evaluating information signals which are generated by the antenna amplifier and are transmitted in addition to radio signals. Sakurai disclosed a detector for detecting and evaluating information signals which are generated by the antenna amplifier and are transmitted in addition to radio signals (abstract, col.1, lines 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a detector so as to provide effective reception by the receiver.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is (571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA  
/Yuwen Pan/  
Primary Examiner, Art Unit 2618